

APPEAL

United States District Court
District of Massachusetts (Boston)
CIVIL DOCKET FOR CASE #: 1:04-cv-10135-GAO

Votta v. Coakley
Assigned to: Judge George A. O'Toole, Jr
Cause: 28:1983 Civil Rights

Date Filed: 01/21/2004
Jury Demand: None
Nature of Suit: 440 Civil Rights: Other
Jurisdiction: Federal Question

Petitioner**John C. Votta, Jr.**
















represented by **John C. Votta, Jr.**
505 Douglass Road
Lowell, MA 01852
978-459-8449
PRO SE

V.

Respondent**Martha Coakley**

represented by **David M. Lieber**
Assistant Attorney General
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
01/21/2004	<u>1</u>	COMPLAINT against Martha Coakley Filing fee: \$ 150, receipt number 53292, filed by John C. Votta Jr..(Edge, Eugenia) (Entered: 01/22/2004)
01/21/2004	<u>2</u>	If the trial Judge issues an Order of Reference of any matter in this case to a Magistrate Judge, the matter will be transmitted to Magistrate Judge Collings. (Edge, Eugenia) (Entered: 01/22/2004)
01/21/2004	<u>3</u>	Summons Issued as to Martha Coakley. (Edge, Eugenia) (Entered: 01/22/2004)
02/13/2004	<u>4</u>	MOTION for Extension of Time to 3/18/04 to respond to complaint by Martha Coakley.(Flaherty, Elaine) (Entered: 02/18/2004)
02/17/2004	<u>5</u>	RESPONSE to Motion re <u>2</u> MOTION for Extension of Time to 3/18/04 to respond to complaint filed by John C. Votta Jr.. (Flaherty, Elaine) (Entered: 02/23/2004)
02/18/2004	<u>6</u>	***Attorney David M. Lieber for Martha Coakley added. (Flaherty,

		Elaine) (Entered: 02/18/2004)
02/24/2004	 4	SUMMONS Returned Executed Martha Coakley served on 1/26/2004, answer due 2/16/2004. (Edge, Eugenia) (Entered: 02/26/2004)
02/25/2004		Judge George A. O'Toole Jr.: Electronic ORDER entered granting <u>2</u> Motion for Extension of Time to respond to the complaint to March 18, 2004. (O'Toole, George) (Entered: 02/25/2004)
03/18/2004	 5	MOTION to Dismiss by Martha Coakley.(Lieber, David) (Entered: 03/18/2004)
03/18/2004	 6	MEMORANDUM OF LAW by Martha Coakley. (Lieber, David) (Entered: 03/18/2004)
03/24/2004	 7	MOTION for Leave to File Amended Complaint by John C. Votta Jr.c/s. (Attachments: # <u>1</u> Amended Complaint)(Edge, Eugenia) (Entered: 03/29/2004)
03/24/2004		Opposition re <u>5</u> MOTION to Dismiss filed by John C. Votta Jr..Filed with Motion to Amend Complaint. See entry #7.(Edge, Eugenia) (Entered: 03/29/2004)
03/24/2004	 8	Memorandum of Reasons in Support re Opposition to Motion. Filed by John Votta Jr.e/s (Edge, Eugenia) (Entered: 03/29/2004)
03/31/2004	 9	RESPONSE to Motion re <u>7</u> MOTION for Leave to File filed by Martha Coakley. (Lieber, David) (Entered: 03/31/2004)
04/05/2004		NOTICE of Hearing on Motion <u>5</u> MOTION to Dismiss: Motion Hearing set for 5/13/2004 02:45 PM in Courtroom 9 before George A. O'Toole Jr.. Please mark your calendars accordingly. cc/cl(Lyness, Paul) (Entered: 04/05/2004)
04/07/2004	 10	MOTION to Dismiss <i>Amended Complaint</i> by Martha Coakley.(Lieber, David) (Entered: 04/07/2004)
04/07/2004	 11	MEMORANDUM OF LAW by Martha Coakley to <u>10</u> MOTION to Dismiss <i>Amended Complaint</i> , <u>7</u> MOTION for Leave to File. (Lieber, David) (Entered: 04/07/2004)
04/15/2004		NOTICE of Hearing on Motion <u>7</u> MOTION for Leave to File, <u>10</u> MOTION to Dismiss <i>Amended Complaint</i> , <u>5</u> MOTION to Dismiss: Motion Hearing set for 5/13/2004 02:45 PM in Courtroom 9 before George A. O'Toole Jr.. Please mark your calendars accordingly. cc/cl (Lyness, Paul) (Entered: 04/15/2004)
04/16/2004	 12	Plaintiff's Response to Motion Hearing and Motion to Amend Opposition to Defendant's Motion to Dismiss by John C. Votta Jr..(Lyness, Paul) (Entered: 04/16/2004)
04/16/2004	 13	Plaintiff's MOTION for Enlargement of Time to Oppose Defendant's Motion to Dismiss Plaintiff's Amended Complaint by John C. Votta Jr.. (Lyness, Paul) (Entered: 04/16/2004)
04/16/2004	 14	MEMORANDUM of Reasons in Support re <u>12</u> MOTION to Amend filed by John C. Votta Jr.. (Lyness, Paul) (Entered: 04/16/2004)

04/22/2004	<u>15</u>	Plaintiff's Motion in Opposition re <u>10</u> Defendant's MOTION to Dismiss Plaintiff's Amended Complaint filed by John C. Votta Jr.. (Barrette, Mark) (Entered: 04/27/2004)
04/22/2004	<u>16</u>	Plaintiff's MEMORANDUM in Support of Opposition re <u>10</u> Defendant's MOTION to Dismiss Plaintiff's Amended Complaint filed by John C. Votta Jr.. (Barrette, Mark) (Entered: 04/27/2004)
05/07/2004	<u>17</u>	Judge George A. O'Toole Jr.: ORDER ON PENDING MOTIONS entered finding as moot <u>5</u> Motion to Dismiss, granting <u>7</u> Motion for Leave to File, granting <u>10</u> Motion to Dismiss, finding as moot <u>12</u> Motion to Amend, granting <u>13</u> Motion for Extension of Time cc/cl (Lyness, Paul) Modified on 5/11/2004 (Barrette, Mark). (Entered: 05/10/2004)
05/10/2004	<u>18</u>	Judge George A. O'Toole Jr.: ORDER entered JUDGMENT in favor of Defendant against Plaintiff cc/cl (Lyness, Paul) Modified on 5/11/2004 (Barrette, Mark). (Entered: 05/10/2004)
05/10/2004		Civil Case Terminated. (Lyness, Paul) (Entered: 05/10/2004)
05/18/2004	<u>20</u>	MEMORANDUM in Support re <u>19</u> MOTION to Amend <u>18</u> Judgment filed by John C. Votta Jr.. (Barrette, Mark) (Entered: 05/21/2004)
05/21/2004	<u>19</u>	MOTION to Amend <u>18</u> Judgment by John C. Votta Jr..(Barrette, Mark) (Entered: 05/21/2004)
05/28/2004	<u>21</u>	MEMORANDUM in Opposition re <u>19</u> MOTION to Amend <u>18</u> Judgment filed by Martha Coakley. (Lieber, David) (Entered: 05/28/2004)
07/20/2004		Judge George A. O'Toole Jr.: Electronic ORDER entered denying <u>19</u> Motion to Amend Judgment. (O'Toole, George) (Entered: 07/20/2004)
09/23/2004		Remark: Received call from petitioner (votta) today. He stated he never received notice of Judge O'Toole's electronic order (dtd 7/20/04) denying his motion to amend judgment. He stated he would like to appeal but because he never received noticed he had no idea the ruling had came down. He spoke with Karen (ext. 9172) who informed him of the decision. I told him I would mail out a copy of the docket to him today. He plans to appeal the 7/20/04 decision. I Confirmed address with petitioner. (Edge, Eugenia) (Entered: 09/23/2004)
09/24/2004	<u>22</u>	Plaintiff's affidavit and MOTION for Extension of Time no date specified to file appeal by John C. Votta Jr. c/s. (Attachments: # <u>1</u> notice of appeal) (Edge, Eugenia) (Entered: 09/29/2004)
11/10/2004	<u>23</u>	Judge George A. O'Toole Jr.: ORDER entered MEMORANDUM AND ORDER. "....plaintiff's motion is deemed timely filed and shall be docketed." cc/cl(Edge, Eugenia) (Entered: 11/12/2004)
11/10/2004	<u>24</u>	NOTICE OF APPEAL as to Order on Motion to Amend by John C. Votta Jr.. \$ 0. NOTICE TO COUNSEL: A Transcript Report/Order Form, which can be downloaded from the First Circuit Court of Appeals web site at http://www.ca1.uscourts.gov/clerks/transcript.htm MUST be completed and submitted to the Court of Appeals. Appeal Record due by 11/30/2004. (Edge, Eugenia) (Entered: 11/12/2004)
11/10/2004	<u>25</u>	Certified and Transmitted Record on Appeal to US Court of Appeals re

.		<u>24</u> Notice of Appeal, (Ramos, Jeanette) (Entered: 12/10/2004)
11/17/2004	<u>25</u>	USCA Appeal Fees received \$ 255 receipt number 60215 re <u>24</u> Notice of Appeal, filed by John C. Votta (Edge, Eugenia) (Entered: 11/18/2004)
11/29/2004	<u>26</u>	USCA Case Number: 04-2609 assigned by First Circuit for <u>24</u> Notice of Appeal, filed by John C. Votta. (Ramos, Jeanette) (Entered: 12/21/2004)
01/26/2005	<u>27</u>	Supplemental Record on Appeal transmitted to US Court of Appeals re <u>24</u> Notice of Appeal, filing fee paid receipt. (Ramos, Jeanette) (Entered: 01/27/2005)
08/22/2005	<u>28</u>	MOTION for Leave to File a supplemental pleading by John C. Votta, Jr. c/s(Edge, Eugenia) (Entered: 08/23/2005)
09/16/2005	<u>29</u>	USCA Judgment as to Notice of Appeal <u>24</u> filed by John C. Votta, Jr., Having carefully reviewed the record in this case, including the briefs of the parties, we affirm the district court dismissal of plaintiff's claim for compensatory and injunctive relief. (Ramos, Jeanette) (Entered: 09/16/2005)
10/07/2005	<u>30</u>	MANDATE of USCA as to <u>24</u> Notice of Appeal, filed by John C. Votta, Jr. "As a general principle, the unfavorable disposition of a plaintiff's federal claims at the early stages of a suit, well before the commencement of trial, will trigger the dismissal without prejudice of any supplemental state law claim. Therefore, the without prejudice dismissal of plaintiff's state law claims is VACATED and the case is REMANDED to the district court with instructions to dismiss the claim without prejudice to plaintiff's refiling the claim in state court. SO ORDERED. (Ramos, Jeanette) (Entered: 10/07/2005)
10/07/2005	<u>31</u>	Appeal Record Returned: <u>24</u> Notice of Appeal, (Ramos, Jeanette) (Entered: 10/07/2005)
11/03/2005	<u>31</u>	MOTION for Leave to File an amended supplemental pleading by John C. Votta, Jr.c/s(Edge, Eugenia) (Entered: 11/04/2005)
01/24/2006	<u>32</u>	Judge George A. O'Toole Jr.: ORDER entered. AMENDED JUDGMENT (Copy of this judgment mailed out to plaintiff)(Lyness, Paul) (Entered: 01/24/2006)
01/30/2006	<u>31</u>	Motions terminated: <u>31</u> MOTION for Leave to File filed by John C. Votta, Jr., <u>28</u> MOTION for Leave to File filed by John C. Votta, Jr.. (Lyness, Paul) (Entered: 01/30/2006)
06/27/2006	<u>33</u>	MOTION for an amendment to the pleadings with Local Rule 7.1 Certificate by John C. Votta, Jr. c/s(Edge, Eugenia) (Entered: 06/28/2006)
06/27/2006	<u>34</u>	MEMORANDUM of reasons in Support re <u>33</u> MOTION for an amendment to the pleadings filed by John C. Votta, Jr. c/s (Edge, Eugenia) (Entered: 06/28/2006)
07/11/2006	<u>35</u>	MEMORANDUM in Opposition re <u>33</u> MOTION for an amendment to the pleadings filed by Martha Coakley. (Lieber, David) (Entered: 07/11/2006)

08/15/2006	<u>36</u>	MOTION for Hearing re <u>35</u> Memorandum in Opposition to Motion by John C. Votta, Jr.(Edge, Eugenia) (Entered: 08/18/2006)
08/29/2006		Judge George A. O'Toole Jr.: Electronic ORDER entered denying <u>33</u> Motion, denying <u>36</u> Motion for Hearing(Copy of order mailed out to petitioner) (Lyness, Paul) (Entered: 08/29/2006)
09/06/2006	<u>37</u>	MOTION for Reconsideration re Order on Motion for Miscellaneous Relief, Order on Motion for Hearing by John C. Votta, Jr. c/s. (Defendant's Application for Direct Appellate Review and Record Appendix can not be scanned, filed with Clerk's Office.)(Edge, Eugenia) (Entered: 09/07/2006)
10/31/2006		Judge George A. O'Toole Jr.: Electronic ORDER entered denying <u>37</u> Motion for Reconsideration (Lyness, Paul)(Copy of order mailed out to petitioner) (Entered: 10/31/2006)
11/09/2006	<u>38</u>	NOTICE OF APPEAL as to Order on Motion for Miscellaneous Relief, Order on Motion for Hearing, Order on Motion for Reconsideration by John C. Votta, Jr. \$ 455 NOTICE TO COUNSEL: A Transcript Report/Order Form, which can be downloaded from the First Circuit Court of Appeals web site at http://www.ca1.uscourts.gov/clerks/transcript.htm MUST be completed and submitted to the Court of Appeals. Appeal Record due by 11/29/2006. (Edge, Eugenia) (Entered: 11/14/2006)